CCRB INVESTIGATIVE RECOMMENDATION

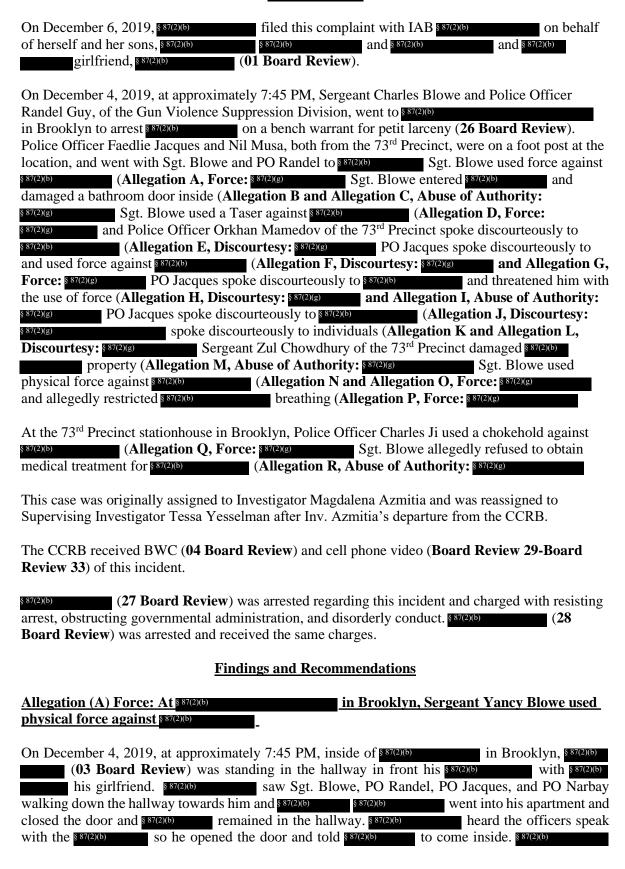
Investigator:	7	Геат:	CCRB Case #:	V	Force	V	Discourt.		U.S.
Tessa Yesselman	S	Squad #04	201911001	✓	Abuse		O.L.	✓	Injury
				L				_	
Incident Date(s)		Location of Incident:			18 N	Ao. SO	OL	I	Precinct:
Wednesday, 12/04/2019 7:45	PM I	nside of § 87(2)(b) 73rd Precinct stationho	At the use		1/1	9/202	2		73
Date/Time CV Reported	C	CV Reported At:	How CV Reported:		Date/Tim	e Rece	eived at CCI	B	
Fri, 12/06/2019 3:19 PM	I	AB	Phone		Mon, 12/	23/201	9 11:11 AN	1	
Complainant/Victim	Type	Home Addre	ess						
								Ī	
								Ī	
								Ī	
Witness(es)		Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. POM Charles Ji	01342	965761	073 PCT						
2. SDS Yancy Blowe	02316	932134	GVSD Z1						
3. POF Faedlie Jacques	19831	965215	073 PCT						
4. SGT Zul Chowdhury	03491	948780	I.A.B.						
5. POM Orkhan Mamedov	01393	965787	073 PCT						
Witness Officer(s)	Shield No	Tax No	Cmd Name						
1. POM Richard Catapano	05751	961675	073 PCT						
2. POM Patrick Paige	21866	959869	073 PCT						
3. POM Antonio Saintjean	15246	962076	073 PCT						
4. POM Danny Fitton	14958	956648	073 PCT						
5. SGT Guy Randel	05347	935566	100 PCT						
6. POM Matthew Kilfoyle	03460	960758	073 PCT						
7. POF Nil Narbay	14251	967623	MELD						
8. POM Marlon Sanchez	23417	951199	073 DET						
9. POM Mdabdul Halim	15322	956714	073 PCT						
10. LT Thomas Turner	00000	926232	073 PCT						
11. DT3 Brett Woodard	27829	958175	073 DET						
12. POM Sunjay Verma	04184	963315	073 PCT						
13. POM Steven Hong	08345	960677	SRG 3						
14. SGT Christophe Musa	03353	952040	073 PCT						
15. POM Dwayne Diviney	25384	963013	061 PCT						
16. DT3 Joseph Mcevoy	07393	944790	GVSD Z1						
17 POM Nicholas Viruet	31374	954408	073 PCT						

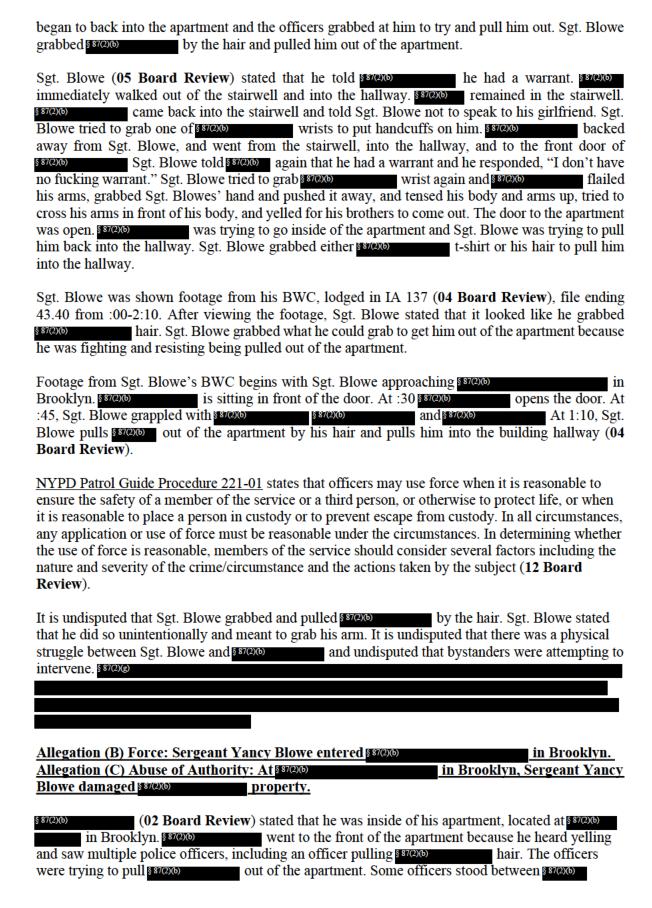
Witness Officer(s)	Shield No	Tax No	Cmd Name
18. POM Junsun Park	28223	959875	SRG 3
19. POM Dwane Edwards	13814	951604	073 DET
20. POM Louis Aponte	07454	957850	WARRSEC
21. POM Brian Mahon	23144	949240	GVSD Z1
22. POM Jonathan Aquino	15569	957337	073 PCT
23. LT Alexander Bobo	00000	947985	060 DET
24. POM John Freund	31081	954827	073 PCT
25. POM Brian Cheng	16145	957452	073 PCT
26. POM Michael Flannery	07472	958591	GVSD Z1
27. Sean Slowski		959253	
28. CPT Derby Stfort	00000	937848	061 PCT
Officer(s)	Allegation		Investigator Recommendation

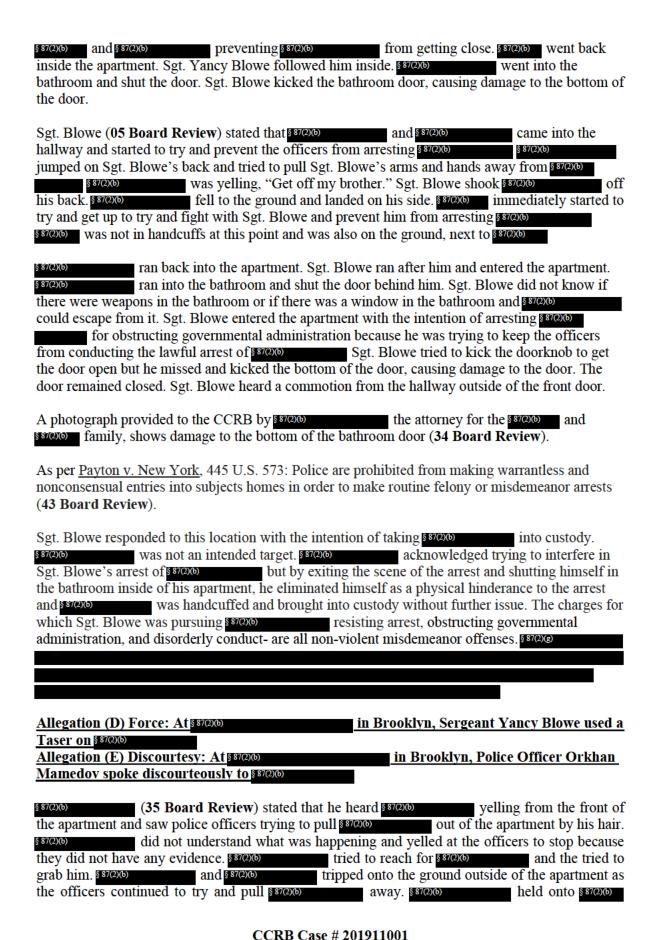
Officer(s)	Allegation	Investigator Recommendation
A.SDS Yancy Blowe	Force: At \$87(2)(b) in Brooklyn, Sergeant Yancy Blowe used physical force against \$87(2)(b)	
B.SDS Yancy Blowe	Abuse: Sergeant Yancy Blowe entered in Brooklyn.	
C.SDS Yancy Blowe	Abuse: At § 87(2)(b) in Brooklyn, Sergeant Yancy Blowe damaged § 87(2)(b) property.	
D.SDS Yancy Blowe	Force: At \$87(2)(b) in Brooklyn, Sergeant Yancy Blowe used a Taser on \$87(2)(b)	
E.POM Orkhan Mamedov	Discourtesy: At S87(2)(b) in Brooklyn, Police Officer Orkhan Mamedov spoke discourteously to S87(2)(b)	
F.POF Faedlie Jacques	Discourtesy: At \$87(2)(b) in Brooklyn, Police Officer Faedlie Jacques spoke discourteously to \$87(2)(b)	
G.POF Faedlie Jacques	Force: At \$87(2)(b) in Brooklyn, Police Officer Faedlie Jacques used physical force against \$87(2)(b)	
H.POF Faedlie Jacques	Discourtesy: At \$87(2)(b) in Brooklyn, Police Officer Faedlie Jacques spoke discourteously to \$87(2)(b)	
I.POF Faedlie Jacques	Abuse: At \$87(2)(b) in Brooklyn, Police Officer Faedlie Jacques threatened \$87(2)(b) with the use of force.	
J.POF Faedlie Jacques	Discourtesy: At S87(2)(b) in Brooklyn, Police Officer Faedlie Jacques spoke discourteously to S87(2)(b)	
K.POF Faedlie Jacques	Discourtesy: At \$87(2)(b) in Brooklyn, Police Officer Faedlie Jacques spoke discourteously to Individuals.	
L.POF Faedlie Jacques	Discourtesy: At \$87(2)(b) in Brooklyn, Police Officer Faedlie Jacques made remarks to Individuals based upon race.	
M.SGT Zul Chowdhury	Abuse: At §87(2)(b) in Brooklyn, Sergeant Zul Chowdhury damaged §87(2)(b) property.	
N.SDS Yancy Blowe	Force: At \$87(2)(b) in Brooklyn, Sergeant Yancy Blowe used physical force against \$87(2)(b)	

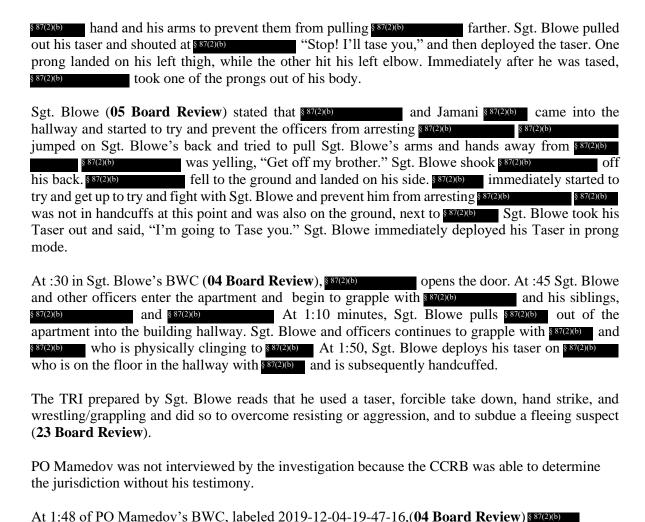
Officer(s)	Allegation	Investigator Recommendation
O.SDS Yancy Blowe	Force: At \$\frac{87(2)(b)}{2}\$ in Brooklyn, Sergeant Yancy Blowe used physical force against \$\frac{87(2)(b)}{2}\$	
P.SDS Yancy Blowe	Force: At \$87(2)(b) in Brooklyn, Sergeant Yancy Blowe restricted breathing.	
Q.POM Charles Ji	Force: At the 73rd Precinct stationhouse in Brooklyn, Police Officer Charles Ji used a chokehold against \$87(2)(b)	
R.SDS Yancy Blowe	Abuse: At thje 73rd Precinct stationhouse, Sergeant Yancy Blowe did not obtain medical treatment for \$87(2)(b)	

Case Summary









PO Mamedov tells (\$37(2)(6) to "stop fucking moving."

On February 25, 2021, Joseph Profeta, the Commanding Officer from Internal Affairs Bureau Group 54, notified Sgt. Blowe that the IAB investigation exonerated all of the allegations against

is pictured on the ground. PO Mamedov assists in handcuffing § 87(2)(b)

medical records show that he received medical attention on section The records state that he was brought in after being tased. EMS did not find any taser prongs on him (08 Board Review).

<u>Patrol Guide Procedure 221-08</u> states that a Conducted Electrical Weapon (CEW) should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. It will often reduce the potential for injuries to members and suspects that may result from physical restraint and should be regarded as a possible alternative to such force and restraint, where practical (**11 Board Review**).

<u>Police Department v. Pichardo</u>, DAO-DCT Case #201515012 states that officers may use limited profanity towards civilians to gain control of a dynamic situation (**13 Board Review**).

him (09 Board Review).

acknowledged actively trying to physically pro	event Sgt. Blowe and other police
officers from arresting \$87(2)(b) BWC footage confirms attempting to intervene in \$87(2)(b) apprehension and sh	that § 87(2)(b) was
attempting to intervene in § \$7(2)(b) apprehension and sh	ows that multiple people were
trying to physically prevent the officers from apprehending	(b) § 87(2)(g)
Allegation (F) Discourtesy: At §87(2)(6) in	Brooklyn, Police Officer Faedlie
Jacques spoke discourteously to § 87(2)(b)	· ·
	dyn, Police Officer Faedlie
Jacques used physical force against \$87000	
one ques uses par sena torre uguano.	
(03 Board Review) stated that after Sgt. Blowe	nulled him by his hair out of the
apartment, that officers tried to handcuff him while he was on the	
run into the apartment and into the bathroom.	
into the apartment. \$87(2)(b) was worried about \$87(2)(b)	
ground and went into the apartment. One of \$87(2)(6) writer about \$100 or \$100	ists' was handcuffed PO Jacques
approached \$37000 handcuffed him, and walked him of	uit of the anartment
approached thin, and warked him o	di of the apartment.
PO Jacques (07 Board Review) stated that she and PO Narbay	tried to grah \$87000 hands
to subdue him. \$87(2)(6) pulled away and back. \$87(2)(6)	
Narbay and went back into the apartment. PO Jacques followed	
behind his back, and he verbally refused. PO Jacques and PO N	
hands. §§(2)(6) resisted and kicked, but they were able to	
of the couch near the apartment door. PO Jacques and PO Narba	
hands and handcuffed him. PO Jacques asked \$87000	
You guys didn't even give us the opportunity to let you know w	
was the purpose of this visit. All of this didn't have to go there.'	responded, Fuck
you, bitch. Suck my dick."	
At 4:05 of DO Jacques DWC Jabalad as 2010 12 04 10 42 46	(04 Doord Daview) she enters the
At 4:05 of PO Jacques BWC, labeled as 2019-12-04_19-43-46, apartment. At 4:09 she pushes see against a couch.	At 4:15 minutes, she tells him
"Stay the fuck down," while still pushing him against a couch. I	At 4.13 minutes, she tens min,
makes several discourteous statements, including telling [87(2)(6)]	that he had a Tucking walfallt
and just needed to go to "fucking court."	
The TDI prepared by DO Jacques (24 Board Beriew) reads that	t the time of force used was

The TRI prepared by PO Jacques (24 Board Review) reads that the type of force used was wrestling/grappling and was used in defense of other MOS, to overcome resistance aggression or resistance, and in defense of herself.

On March 1, 2021, Inspector Derrick Corrade, the Commanding Officer of Zone III from Internal Affairs Bureau, notified PO Jacques that the force allegations against her in the IAB investigation were exonerated (09 Board Review).

<u>Police Department v. Pichardo</u>, DAO-DCT Case #201515012 states that officers may use limited profanity towards civilians to gain control of a dynamic situation (13 Board Review).

NYPD Patrol Guide Procedure 221-01 states that officers may use force when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise to protect life, or when

it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. In determining whether the use of force is reasonable, members of the service should consider several factors including the nature and severity of the crime/circumstance and the actions taken by the subject (12 Board Review).

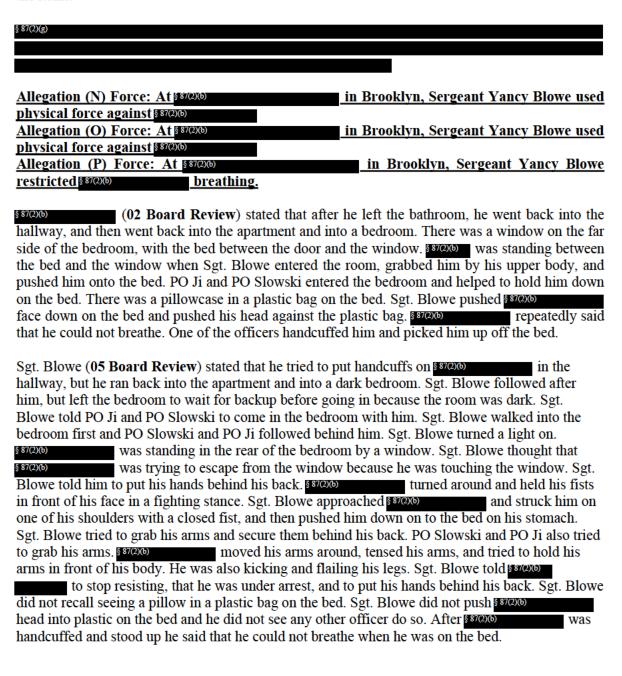
acknowledged resisting arrest by getting up off of the ground and going back into his apartment after officers had brought him to the ground to bring him into custody and had one handcuff on.
Allegation (H) Discourtesy: Police Officer Faedlie Jacques spoke discourteously to Allegation (I) Abuse of Authority: At Faedlie Jacques threatened with the use of force.
(02 Board Review) stated that after Sgt. Blowe stopped kicking the door, he left the bathroom and went back into the hallway. \$87(2)(0)
PO Jacques (07 Board Review) provided testimony consistent with Sgt. Blowe regarding the difficulty of bringing into custody. PO Jacques stated that she and PO Narbay tried to grab hands to subdue him. pulled away and back. PO Jacques then took out her taser. PO Jacques told "If you don't stop trying to get involved, if you don't stop resisting, I'm going to tase you. Back off." When she saw that there was enough distance between them, PO Jacques holstered her taser.
At 2:00 of PO Jacques BWC, labeled as 2019-12-04_19-43-46, (04 Board Review) she points a Taser at \$\frac{8570}{200}\$ and says, "Get the fuck back." PO Jacques stated that she pointed her Taser at \$\frac{8570}{200}\$ because he was fighting with the officers, resisting arrest, and attempting to prevent officers from taking other people into custody.
<u>Police Department v. Pichardo</u> , DAO-DCT Case #201515012 states that officers may use limited profanity towards civilians to gain control of a dynamic situation (13 Board Review).
<u>Patrol Guide Procedure 221-08</u> states that a Conducted Electrical Weapon (CEW) should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. It will often reduce the potential for injuries to members and suspects that may result from physical restraint and should be regarded as a possible alternative to such force and restraint, where practical (11 Board Review).
§ 87(2)(g)

§ 87(2)(g)
and acknowledged actively trying to flee arrest, by going in and out of his apartment.
Allegation (J) Discourtesy: At \$87(2)(0) [Allegation (K) Discourtesy: At \$87(2)(0) [Allegation (K) Discourtesy: At \$87(2)(0) [Allegation (L) Discourtesy: At \$87(2)(0) [In Brooklyn, Police Officer Faedlie Jacques spoke discourteously to Individuals. [In Brooklyn, Police Officer Faedlie In Brooklyn, Police Officer Faedlie In Brooklyn, Police Officer Faedlie Jacques spoke discourteously to Individuals.
was uncooperative with the investigation and did not provide a statement (39 Board Review).
As discussed in the allegations above, PO Jacques' BWC captures her making multiple discourteous statements. PO Jacques made additional discourteous statements that were directly to the crowd as a whole and to \$85(2)(3)
PO Jacques' BWC, labeled as 2019-12-04_19-43-46, (04 Board Review) begins with PO Jacques and other officers approaching \$\(\frac{8}{20}\) \text{(00)} \text{At 20 seconds, Sgt. Blowe enters the apartment. Officers engage in a physical struggle with \$\(\frac{8}{20}\) \text{(00)} \text{ and struggle with }\(\frac{8}{20}\) \text{(00)} \text{ back." At 1:20 minutes, PO Jacques pulls \(\frac{8}{20}\) \text{(00)} \text{ backwards by her hood and tells her to "Stay the fuck back." At 1:40 minutes, an unknown white male officer pushes \(\frac{8}{20}\) \text{(00)} backwards. At 2:30 minutes, PO Jacques says to unknown individuals, "Get the fuck back. What the fuck is wrong with y'all?"
At 2:45 minutes, PO Jacques says to an unknown individual, "Where the fuck you think you're going?" At 3:05 minutes, she tells an unknown individual, "Stay the fuck back." At 5:10 minutes, PO Jacques says to unknown individuals, "You all want to act like fucking animals." Finally, at 5:15 minutes, PO Jacques tells an unknown individual to "stay the fuck back."
was not cooperative with the investigation and did not provide a statement.
<u>Police Department v. Pichardo</u> , DAO-DCT Case #201515012 states that officers may use limited profanity towards civilians to gain control of a dynamic situation (13 Board Review).
PO Jacques' discourteous statements made to unknown individuals were not made while PO Jacques was physically attempting to bring individuals into custody.
Allegation (M) Abuse of Authority: At \$87200 in Brooklyn, Sergeant Zul Chowdhury damaged \$87200 property.
stated that Sgt. Chowdhury kicked the dining table, threw a bicycle at the dining table, and threw objects around the apartment.
Sgt. Chowdhury stated that when he arrived at the location he went into the apartment and saw Sgt. Blowe in a bedroom with \$3000 The apartment was crowded with officers and civilians

and was also cluttered with household items. Sgt. Chowdhury moved a kitchen table onto its side and leaned a bike against the table to make room for officers and civilians to move around safely. Sgt. Chowdhury did not kick or throw any furniture and did not damage any furniture.

At 2:30 of Sgt. Chowdhury's BWC he enters the apartment and at 2:45 he turns over a dining table and moves a bicycle. Sgt. Chowdhury exits the apartment.

Photographs provided to the CCRB by \$87(2)(6) the attorney for the \$87(2)(6) and \$87(2



The TRI prepared by Sgt. Blowe (23 Board Review) reads that he used a taser, forcible take down, hand strike, and wrestling/grappling and did so to overcome resisting or aggression, and to subdue a fleeing suspect.

When PO Ji (06 Board Review) arrived at the location, he stated that he went towards a bedroom because he had caught a quick glimpse of Sgt. Blowe inside. Sgt. Blowe was standing at the foot of the bed and was on the side of the bed. Sgt. Blowe was trying to put handcuffs on who had his hands up in a fighting stance with his fists in front of his chest. Sgt. Blowe "threw" on to the bed. PO Ji did not recall what action Sgt. Blowe took to put the civilian on to the bed. PO Ji and PO Slowski jumped on to the bed to put strong in handcuffs. PO Ji did not know if Sgt. Blowe was involved in putting handcuffs on the civilian. PO Ji did not recall how the civilian was oriented on the bed because it happened very quickly. PO Ji grabbed the civilians arms and PO Slowski grabbed his legs because he was kicking. PO Ji did not see any officer push strong head against a plastic bag. PO Ji did not recall hearing complain that he could not breathe while he was on the bed.

PO Slowski was not interviewed because he retired from the NYPD (14 Board Review).

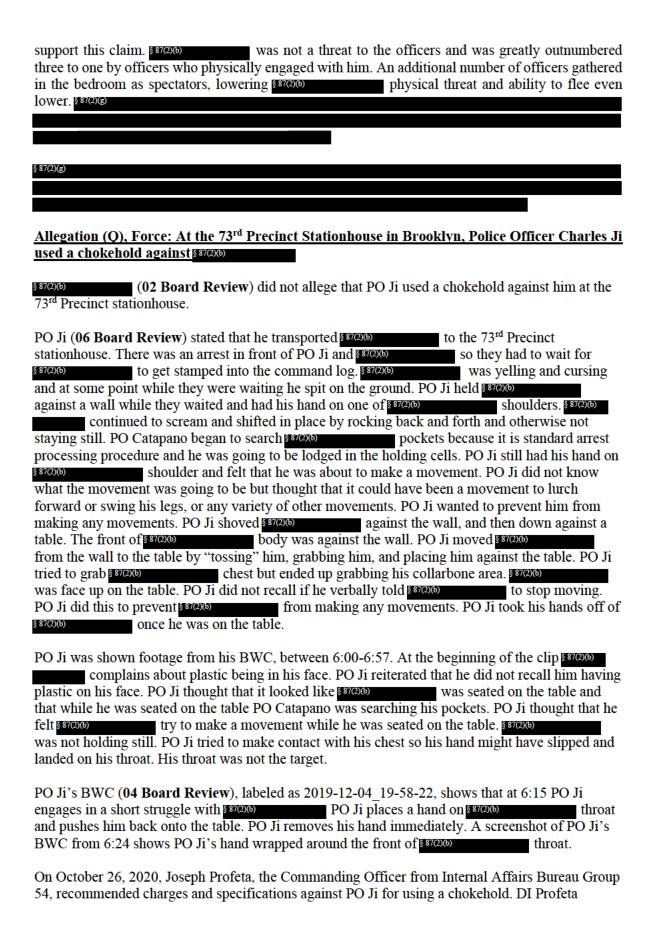
At :35 of PO Slowski's BWC (**04 Board Review**), labeled as 2019-12-04_19-48-36, he enters the bedroom behind Sgt. Blowe and PO Ji. At :38 Sgt. Blowe strikes Sgt. Blowe and are bath standing. It is not clear where the strike lands. At :40 Sgt. Blowe moves to the bed. PO Slowski holds Sgt. Blowe moves legs.

At 2:00 of PO Thomas Turner's BWC, labeled as 2019-12-04-19-47-40 (**04 Board Review**), PO Turner enters the apartment at 2:00 minutes. At 2:20 he enters a bedroom. Sgt. Blowe, PO Ji, and PO Slowski are on the bed with strying to put him in handcuffs. says that he cannot breathe. Sgt. Blowe is at the top of the bed closest to head, PO Ji is in the middle, and PO Slowski is at says legs.

Patrol Guide Procedure 221-02 states that an officer may use only the reasonable force necessary to gain control or custody of a subject. The procedure also enumerates factors officers should consider when determining whether use of force is reasonable. The factors are as follows:

- a. The nature and severity of the crime/circumstances
- b. Actions taken by the subject
- c. Duration of the action
- d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders
- e. Whether the subject is actively resisting custody
- f. Whether the subject is attempting to evade arrest by flight
- g. Number of subjects in comparison to the number of MOS
- h. Size, age, and condition of the subject in comparison to the MOS
- i. Subject's violent history, if known
- j. Presence of hostile crowd or agitators
- k. Subject apparently under the influence of a stimulant/narcotic (12 Board Review).

§ 87(2)(g)		
	9	retreated into the
apartment for a second time and was standing a	alone in a bedroom when Sgt. Blow	e approached him
again. Sgt. Blowe posited that §87(2)(6)	was in a fighting stance. Video	evidence does not



CCRB Case # 201911001

CCRB CTS - Confidential Page 10

requested that PO Ji's probationary status be extended (09 Board Review).

<u>Patrol Guide Procedure 221-01</u> (**12 Board Review**) prohibits officers from using chokeholds and defines chokeholds as including but not limited to: "Any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air."

The Patrol Guide prohibits the use of chokeholds. PO Ji's BWC footage shows that PO Ji put his hand around \$ 87(2)(6) neck. \$ 87(2)(g) Allegation (R), Abuse of Authority: At the 73rd Precinct Stationhouse in Brooklyn, Sergeant Yancy Blowe refused to provide medical attention for \$87(2)(6) ■ (02 Board Review) stated that after he was placed in a holding cell, two EMT's arrived and he told them that he wanted to be examined in case he had sustained any injuries. Sgt. Blowe said that [87(2)6) did not need medical attention because "he didn't get tased." Sgt. Blowe (05 Board Review) stated that when he got back to the stationhouse he called over the radio for medical attention for everyone who had been arrested. Sgt. Blowe did this because ■ had been tased so he automatically required medical attention, and everyone else who was brought into custody had resisted so they could have been injured. §87(2)(6) not specifically request medical attention from Sgt. Blowe and Sgt. Blowe did not tell him that he did not need it because he had not been tased. Allegations Not Pleaded Abuse of Authority: Outside of \$87(2)(b) in Brooklyn, Police Officer Brett Woodard did not obtain medical treatment for § 87(2)(6) Abuse of Authority: Outside of \$87(2)(6) in Brooklyn, Police Officer Michael Flannery did not obtain medical treatment for serois Abuse of Authority: Outside of § 87(2)(6) in Brooklyn, Police Officer Brett Woodard threatened § 87(2)(6) with the use of force. At 5:29 of PO Woodard's BWC §87(2)(b) says, "I need medical attention right now." PO Woodard responds, "We'll get you to the hospital." At 6:15 \$37(2)(6) says, "My wrist is broken." PO Woodard responds, "It's not broken yet." PO Flannery's BWC shows the same interaction, starting at 1:49. (03 Board Review) did not allege that officers refused to provide him medical attention or that officers threatened him with the use of force. PO Flannery (41 Board Review) did not recall \$87(2)(6) requesting medical attention, despite being shown footage from his BWC. PO Flannery remembered that PO Woodard had difficulty finding a transport vehicle for \$870,000 and that was his priority. PO Flannery thought that because the scene was chaotic, it would not have been safe for \$87(2)(b) to get medical attention at the location and that he should have received medical attention at the station house. PO Flannery

did not know who transported \$87000 to the station house or who his arresting officer was.

attention. PO Flannery did not have any further interaction with \$87(2)(b) after he was put in the transport vehicle. PO Woodard was promoted to detective since the time of this incident. The CCRB attempted to interview him on multiple occasions but was unable to do so. On the first attempt he had court, on the second he appeared at the CCRB but the Detectives Endowment Association failed to send legal representation, and on the third he was not notified due to vacation. did not allege that officers refused to provide him medical attention or that officers threatened him with the use of force. § 87(2)(g) **Civilian and Officer CCRB Histories** This is the first CCRB complaint to which \$87(2)(6) have been party (Board Review 19-Board Review 22). and § 87(2)(b) Sgt. Blowe has been a member of service for eighteen years and has been a subject in twelve previous CCRB complaints and nineteen allegations, none of which were substantiated. Sgt. Blowe has six previous physical force allegations. PO Flannery has been a member of service for six years and has been a subject in one previous CCRB complaint with one allegation, which was not substantiated. [87/2](9) PO Jacques has been a member of service for three years and this is the first CCRB complaint to which she has been a subject. PO Ji has been a member of service for three years and has been a subject in three previous CCRB complaints and four allegations, none of which were substantiated. PO Ji has two previous physical force allegations. • PO Mamedov has been a member of service for three years and has been a subject in four previous CCRB cases and twenty allegations, none of which were substantiated. PO Mamedov has two previous discourtesy allegations. PO Woodard has been a member of service for six years and has been a subject in eight previous CCRB complaints and fifteen allegations, of which one was substantiated. CCRB case 201903672 involved a substantiated allegation of refusal to provide a business card. The Board recommended instructions and the NYPD imposed instructions. O § 87(2)(g) Mediation, Civil, and Criminal Histories This complaint was not suitable for mediation. filed a Notice of Claim with the City of New York (37 Board Review) claiming excessive force, assault, battery, violation of civil rights, mental and emotional injuries, negligence, prima facie tort, negligent hiring, negligent retention, negligent discipline, financial loss, conspiracy, respondeat superior, and various federal claims. The claim seeks an amount to be determined at trial. § 87(2)(6)

PO Flannery did not recall telling any other officers about \$87(2)(6)

request for medical

above, also		im with the City of New York with be determined at trial (25 Board R	
400 (C , 4150			
[§ 87(2)(b)] [§§ 86(1)	(3)&(4)] [§ 87(2)(c)]		
Squad:	4		
nvestigator:	Tessa Yesselman	SI Tessa Yesselman	1/6/2021
	Signature	Print Title & Name	Date
17 1	D 1771	D.(D. 1771	1/6/2021
quad Leader: _	Raquel Velasquez	IM Raquel Velasquez	1/6/2021
	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date